

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**BERNHARDT TIEDE, II;  
TEXAS PRISONS COMMUNITY  
ADVOCATES; BUILD UP, INC. A/K/A  
JUSTICE IMPACTED WOMEN'S  
ALLIANCE; TEXAS CITIZENS UNITED  
FOR REHABILITATION OF ERRANTS;  
and COALITION FOR TEXANS  
WITH DISABILITIES,**

*Plaintiffs,*

**V.**

**BRYAN COLLIER**, in his official capacity  
as Executive Director of Texas Department  
of Criminal Justice,

*Defendant.*

**Civil Action No.:**  
**1:23-CV-01004-RP**

## DEFENDANT COLLIER & THE OAG'S ADVISORY TO THE COURT

Defendant Bryan Collier and the Office of the Attorney General (“OAG”) files this Advisory to the Court providing an update on the inaccurate Stiles Unit outdoor temperature logs introduced into evidence on August 2, 2024, at the hearing on Plaintiff’s Motion for Preliminary Injunction.

At the end of the Preliminary Injunction hearing, the following exchange occurred between the Parties and the Court:

16:04:59 3 MR. DUKE: I think only one thing. Is there any  
16:05:02 4 deadline for them to -- for the state to provide an  
16:05:05 5 explanation regarding the documentary issue that you  
16:05:08 6 mentioned before or is that part of --  
16:05:10 7 THE COURT: I think they're going to get right on  
16:05:13 8 that, I'm sure.  
16:05:13 9 MS. ELLIS: Absolutely. Mr. Collier, he's going  
16:05:17 10 to get on it.

Undersigned counsel was recently informed that Plaintiffs' Counsel interpreted this comment from the Court to be an "order from the bench" for Defendant "to notify the court about the origins and nature of the document." While Defendant always intended to conduct an internal investigation into the document without the necessity of a Court order, the OAG did not construe the Court's comment as an order to produce the results of the investigation to the Court.

Out of an abundance of caution, Defendant and the OAG now provide the Court with an update regarding the investigation into the inaccurate outdoor temperature logs. Following the hearing on Plaintiffs' Motion for Preliminary Injunction, Defendant Collier requested an investigation into the document by an uninterested party. This investigation was conducted by Chris Cirrito, Chief Audit Executive of the Texas Board of Criminal Justice ("TBCJ"). The investigation revealed the outdoor temperature log was created in 2022, before the initiation of this lawsuit. Neither Defendant nor the OAG had any intent to mislead or deceive the Court with the introduction of this log, and did not have knowledge of the inaccuracies included in the log, before it became apparent during the preliminary injunction hearing when the log was produced as rebuttal evidence.

Defendant timely provided the investigation to Plaintiff on February 24, 2025, in response to Plaintiff's Requests for Production, which were served on January 24, 2025. Defendant, through the OAG, produced the investigation to Plaintiffs and now Defendant and the OAG file this advisory with the Court to provide clarity and a show of good faith effort to be transparent.

Respectfully submitted,

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/s/ Abigail K. Carter

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**ATTORNEYS FOR DEFENDANT**

**Certificate of Service**

I, Abigail K. Carter, Assistant Attorney General of Texas, certify that a correct copy of the foregoing has been served on all counsel of record on March 18, 2025, using the Court's electronic filing system.

/s/ Abigail K. Carter

**Abigail K. Carter**

Assistant Attorney General